91-422

No.

Supreme Court, U.S.
FILED
AUG 26 1991
OFFICE OF THE CLERK

In The

Supreme Court of the United States

October Term, 1990

In the Matter of a Petition pursuant to Rule 520.12 of the State of New York, Court of Appeals.

In Re: DANIEL R. HODGE, M.D., J.D.

Verified Petition For A Waiver Of Rules And For Strict Enforcement Of Others Pursuant To Rule 520.12 Regarding The Study Of Law In Law School

Petitioner,

ON PETITION FOR WRIT OF CERTIORARI TO THE STATE OF NEW YORK COURT OF APPEALS

Daniel R. Hodge, M.D., J.D., *Pro Se*
64 Marine Drive
Amherst, New York 14228
(716) 691-3300

August 24, 1991

QUESTIONS PRESENTED

1. Whether the State of New York court of appeals denied the realization of a constitutionally protected intellectual property interest in a juris doctor degree and insensitively imposed further undue hardships on Petitioner, Daniel Hodge, a Black physician/attorney, by refusing to waive a ministerial law school **classroom-attendance** rule and to grant ten academic credit-hours for **medical school work**, pursuant to applicable court rules - despite blatant evidence of **academic grading fraud** being perpetrated by various pedantic and insecure law school professors - and despite the malicious imposition of severe **economic duress** and emotional trauma, the products of raw white racism - accomplished by means of a concocted medical clinic at Attica Prison, devised to specifically preclude law school classroom attendance, and followed by loss of pay, suspension, and termination from employment and a malicious prosecution and suspension of Petitioner's New York State medical license for fabricated medical misconduct charges and pretended clinical offenses?

2. When will the Supreme Court of the United States denounce the reprehensible form of overt white racism of the assortment now flourishing at Attica Prison, and sharply rebuke the even more abominable, **"Northern Liberal,"** under color of law, covert, conspiratorial, white racism currently in vogue and thriving in the academic towers of the State University of New York at Buffalo law school, the New York State departments of health, education, law and various hospitals, and en banc in the State of New York court of appeals?

TABLE OF CONTENTS

Page

Questions Presented i

Table of Contents ii

Table of Authorities iv

Opinions Below 1

Jurisdiction 2

Constitutional Provisions, Statutes And Rules Involved 2,AP 5

Statement of the Case 3

Reasons for Granting Certiorari 11

POINT I: A Constitutionally Protected Intellectual Property Interest Of Any Citizen - But Particularly A Black Citizen, In These Modern Times Of The High Technology Of Black Oppression - Most Definitely Preempts A Mere Ministerial Discretionary Classroom Attendance Rule, When Documentary Academic Grading Fraud And Racially Motivated And Imposed Economic Duress And Emotional Distress Precludes Classroom Attendance, Because Duress Converts A Mere Court Discretion Into A Constitutional Mandate 11

Page

POINT II: The Time Has Arrived For America To Purge Itself Of Mediocrity In Its Economic, Political And Social Policies, Particularly, The Eradication Of Overt And Covert Forms Of The Disease Of White Racism Being Fueled By A Slave Age Mentality And A Fear Of Black Economic Competition, Even In A World Of Scientific Democracy 15

POINT III: The Supreme Court Of The United States Must Denounce The Reprehensible Form Of Overt White Racism Of The Assortment Now Flourishing At Attica Prison, And Sharply Rebuke The Even More Abominable, "Northern Liberal," Under Color Of Law, Covert, Conspiratorial, White Racism Currently In Vogue And Thriving In The Academic Towers Of The State University Of New York At Buffalo Law School, The New York State Departments Of Health, Education, Law And Various Hospitals, And En Banc In The State Of New York Court Of Appeals 28

Conclusion 30

TABLE OF AUTHORITIES

Cases Page

Alexander vs. Gardener-Denver Co., 415 U.S. 36 (1974) 6

Board of Regents vs. Roth, 408 U.S. 593 (1972) 12

Goldberg vs. Kelly, 397 U.S. 254 (1970) 29

Goss vs. Lopez, 419 U.S. 565 (1975) 29

Perry vs. Sinderman, 408 U.S. 593 (1972) 12

Roe vs. Wade, 410 U.S. 113 (1973) 24,25

United States Constitution and Laws

Amendment XIV, Section 1 . . . . . passim

42 U.S.C. 1983 5

42 U.S.C. 2000e 5

Federal Rules of Civil Procedure (F.R.C.P.)

F.R.C.P. Rule 11 10

F.R.C.P. Rule 12 10

F.R.C.P. Rule 36 10

Page

New York Statutes and Rules

Public Health Law
Section 230 8

Education Law
Section 6509 8

State Administrative Procedure Act
Article 312 8

Miscellaneous

Democracy in America, Alexis de Tocqueville,
ed. by J.P. Mayer, M. Lerner
(1966) 21,22

Report of The New York State Judicial Commission
on Minorities (April 1991) 14

The Federalist Papers, ed. Clinton Rossiter
(1961) 18

In The

Supreme Court of the United States

October Term, 1990

In the Matter of a Petition pursuant to Rule 520.12 of the State of New York, Court of Appeals.

In Re: DANIEL R. HODGE, M.D., J.D.

Verified Petition For A Waiver Of Rules And For Strict Enforcement Of Others Pursuant To Rule 520.12 Regarding The Study Of Law In Law School

Petitioner,

ON PETITION FOR WRIT OF CERTIORARI TO THE STATE OF NEW YORK COURT OF APPEALS

Petitioner prays that a writ of certiorari be issued to review the June 17, 1991 denial, in its entirety, by the State of New York, court of appeals of a resubmitted **Verified Petition For A Waiver Of Rules And For Strict Enforcement Of Others Pursuant To Rule 520.12 Regarding The Study Of Law In Law School.**

OPINIONS BELOW

The denial of the Petition and resubmission, were without Opinion, are unpublished, and are reprinted in the Appendix to this Petition, **(AP 1 and 4),**[1] infra. The **Verified Petition For A Waiver Of Rules And For Strict Enforcement Of Others Pursuant To Rule 520.12 Regarding The Study Of Law In Law School,** is reprinted in the Appendix to this Petition (AP 6-19).

---

[1] **"AP"** denotes the appendix attached to this Petition.

JURISDICTION

The resubmitted **Verified Petition For A Waiver Of Rules And For Strict Enforcement Of Others Pursuant To Rule 520.12 Regarding The Study Of Law In Law School,** was denied on June 17, 1991. This Court has jurisdiction to review that Judgment under 28 U.S.C. 1257 (3) and Rule 10.1 (c) and 13 of this Court.

CONSTITUTIONAL PROVISIONS, STATUTES AND RULES INVOLVED

U.S. Constitution, Amendment XIV

Section 1. ... No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Rules of the New York State, court of appeals for the Admission of Attorneys and Counselors at law, Section 520.3 (c) **Instructional Requirement,** Section 520.12. **Application for a Waiver of Rules.** (Reproduced in pertinent part at AP 5)

STATEMENT OF THE CASE

On May 13, 1991 Petitioner, Daniel R. Hodge, M.D., J.D., a 47 year old Black citizen, filed a **Verified Petition For A Waiver Of Rules And For Strict Enforcement Of Others Pursuant To Rule 520.12 Regarding The Study Of Law In Law School,** directly in the State of New York, court of appeals. (AP 6-19) On May 29, 1991 Petitioner was advised by means of a letter from the clerk's office, of the State of New York, court of appeals, clerk of the court, Donald M. Sheraw, that the court of appeals had denied the Petition in its entirety. (AP 4) Petitioner then resubmitted the Petition for the consideration of the full court (AP 2-3) and was told on June 17, 1991, that the court of appeals did not reconsider the denied Petition (AP 1).

Because of the magnitude of the 14th Amendment, constitutionally protected property interest involved, namely, a Juris Doctor degree, for which Petitioner, other than being bodily present in the classroom, has completed all academic

requirements - despite the law school's proclamations to the contrary - and also because of its enhanced, even synergistic value in combination with Petitioner's Medical Doctor degree, and moreover, the fact that there have been such trivial, ministerial and ritualistic obstacles placed in Petitioner's path to his ultimate realization of his property interests, i.e., blatant, documentary evidence of **academic grading fraud,** and racially motivated and imposed **economic duress,** that the, nevertheless, extremely adverse **exercise of a discretion** - instead of protecting Petitioner's rights - by the State of New York, court of appeals, is from that vantage, so wholly repugnant to the 14th Amendment of the United States Constitution, that the intervention of this Court, in the interest of substantial justice, and even the perception of justice, is being sought pursuant to 28 U.S.C. 1257 (3) and Rule 10.1 (c) of this Court.

The Verified Petition For A Waiver Of Rules And For Strict Enforcement Of Others Pursuant To Rule 520.12 Regarding The Study Of Law In Law School, henceforth, **Petition for Waiver,** (AP 6-19) intricately and meticulously described the basis for the relief as it is connected to, and was linked and entwined with a matter that was before this Court in ***Hodge vs. Kelly et al.,*** 86 Civ. 160 C (W.D.N.Y. July 8, 1988) (Curtin, J.), aff'd 868 F. 2d 1267 (2d Cir. 1988) cert. den. 490 U.S. 1081, 104 L. Ed 2d 663 (1989). In that case, Petitioner had desperately sought relief from the open jealousy, maliciousness and race hate ingrained in Attica Prison officials - who were, and are, under the direct control of New York's **"Northern Liberal"** governor, Mario M. Cuomo - for their having converted a set of **three fungible, routine weekly medical clinics,** regularly scheduled and held Monday through Friday from 9:00-11:00 AM, 1:00-3:00 PM and 7:00-9:00 PM, into an instantly fabricated, never-before-never-since seen, 10:00 AM - 4:00 PM, clinic monstrosity, having no rational or any other kind of relationship whatsoever, to a legitimate health care objective, at Attica Prison, but which was merely concocted, devised and ensconced, to maliciously preclude law school classroom attendance by this Petitioner, in the middle of the second semester, on that vulnerable Valentine's Day,

February 14, 1986, in violation of a work contract forbidding the imposition of such schedules without at least 30 days notice, or as a scheme to discipline an employee.

Petitioner's constitutional battle - to secure his liberty interest to pursue personal educational achievements and property interest in educational and economic advancement - has been centered around a still fulminating and insuppressible ***riot for freedom*** operating at Attica Prison since February 14, 1986. The controversy had its roots planted there in the Spring of Orwellian 1984 when (AP 15-16) Petitioner made the decision to enter law school at the State University of New York at Buffalo. Petitioner had initially received satisfactory professional performance evaluations as a clinical physician at Attica Prison and had voluntarily instituted a course for training medical students and nurses in a program of continuing medical education. During the final quarter of the professional evaluation period, from May 22, 1984 to August 2, 1984, before attaining the status of permanent employee, Petitioner's supervisor, the facility health services director, Dr. Frederick R. Downs, M.D., entered the following statement in Petitioner's employee record:

> **Dr. Hodge continues to do his job well. He is punctual, conscientious and well informed. He does his job in a professional manner. He demonstrates initiative as well as accepting criticism.**

It was only after Petitioner started law school that there was a dramatic change in the attitudes toward, and in the treatment of Petitioner - initially by the facility health services administrator Richard Lester - but later by the facility health services director, Dr. Frederick R. Downs, M.D., as well. Mr. Lester, a white individual, who several years before had made an unsuccessful attempt at law school, embarked on a relentless campaign of work place harassment, by marking down and docking Petitioner's paycheck - the only one of 1000 employees to be so docked for **"late arrival,"** - even though, Petitioner's public employees federation agreement with the State of New York provides in section 12.17 (a) that, **"No employee in this [professional] unit shall be required to punch a time clock or record attendance with a time keeper."** It was merely another of

multiple pretextual harassments and disrespect grounded on professional jealousy of the Petitioner, designed to frustrate, humiliate and demean Petitioner's educational advancement efforts.

The struggle escalated to the point where Attica Prison superintendent, Walter R. Kelly, who eventually became the principal defendant in ***Hodge vs. Kelly et al.***, called in the Albany-based labor relations director, Kevin Breen and the assistant commissioner for health services Raymond Broaddus, Ph.D., a Black man, who as is so often the case of Black-on-Black tyranny - the classic House-Negro according to Malcolm X - then joined in the jamboree, as the crew demanded that Petitioner sign a new contract - called an institutional practice plan (IPP) - setting hours that were incompatible with law school classroom attendance. Petitioner refused to sign such an agreement with their proposed law-school-preclusive clinic schedule. The group - after failing to extort their proposed law-school-preclusive clinic schedule from the Petitioner - then arrogated an instantly fabricated, never-before-never-since seen, 10:00 AM - 4:00 PM, routine clinic.

Petitioner, Daniel Hodge, was forced into taking a week off - calling in for, and using various available contractual leave credits - to file a suit in federal district court for the western district of New York, alleging under color of law violation of the contract and employment discrimination, pursuant to 42 U.S.C. 1983 and 2000e et seq., and sought a temporary restraining order and preliminary injunctive relief, all of which were denied. Petitioner withdrew the claim and pursued arbitration as was provided for in the public employees federation agreement (PEF).

Petitioner was charged with **"insubordination"** for not signing - despite such unlawful employer perpetrated economic duress - the arrogated contract with the employer-proposed law-school-preclusive routine clinic schedule, and was also charged with **"unsatisfactory attendance practices"** for calling in personal and sick leave, during the period of the arrogated, instantly fabricated, never-before-never-since seen, 10:00 AM - 4:00 PM,

routine clinic.[2] Petitioner was suspended without pay and had to work at erratic and unscheduled hours in substitution for other

---

[2] The arbitrator had stated in his Opinion and Award that,

". . . there is a presumption that the grievant's [Petitioner's] hours were set from 10:00 AM - 4:00 PM, for the purpose of disciplining him for his failure to submit an acceptable IPP. There is insufficient evidence to rebut this presumption," . . . "The award requires the State to cease and desist from imposing discipline on the grievant unless done so pursuant to the provisions of section 33.5," . . . "The State violated section 33.10 by changing the grievant's hours because of his alleged failure to submit an acceptable Institutional Practice Plan (IPP)."

With those **substantial premises** on the table, it was totally incredible and fatuous reasoning on the part of the arbitrator, a Black man, to justify - even then - a finding of the Petitioner's guilt of - and penalized with a six-month loss of pay - for, **"unsatisfactory attendance practices,"** when the Petitioner simply - under duress - was forced to exercise Petitioner's Article 12.11 provision of the Public Employee Federation (PEF) Agreement - the use of **personal, sick and vacation leave credits** provision - as a legitimate defense, in desperation, against the State's malicious **"switch of schedule act,"** perpetrated by the State during that very same interval of time that the arbitrator had found, that, **"The State violated section 33.10 by changing the grievant's hours because of his alleged failure to submit an acceptable IPP."** The arbitrator's logic defies classification, and **"Liberal Northern,"** federal district court judge John T. Curtin proclaimed that such arbitral, arbitrariness was **"Due Process"** because Petitioner, **"was afforded a full hearing [arbitration] on the disciplinary charges filed against him, and thus received all the process that was due,"** the kind of statement for which that old 1960's, Alabama's governor George Corley Wallace was so notorious, and which clearly is contrary to this Court's view of the deficiencies of the arbitration forum in ***Alexander vs. Gardner-Denver Co.***, 415 U.S. 36 (1974)

Section 33.10 of the PEF Agreement provides: Changes in shift, pass day, job assignment or transfer or reassignment to another facility, work location or job station may not be made for the purpose of discipline...

Section 32.2 of the PEF Agreement, among other things, provides: The workweek and workday established pursuant to this Article shall not be changed without the consent of the employees affected, except in an emergency, without reasonable notice and consultation....except in emergencies, [employees] shall be provided with a minimum of 30 days' written notice prior to the effective date of the change.

Section 25.2 (b) of the PEF Agreement, among other things, provides: Shift and pass day assignments shall not be made for the purpose of imposing discipline.

Section 12.11 (a) of the PEF Agreement, among other things, provides: The State shall not require an employee to give a reason as a condition for approving the use of personal leave credits....an employee who has ~~exhausted~~ personal leave credits shall charge approved absences from work necessitated by personal business or religious observance to accumulated vacation or overtime credits.

physicians in the Buffalo and New York City area, to support a family of six, including a wife, who at the time was a full-time medical student at the State of New York at Buffalo medical school, and a daughter in College. It was the most vicious form of economic duress imaginable, and induced by plain old jealousy and race hate. On January 20, 1987 Petitioner was reinstated at Attica Prison, but not for very long.

On March 2, 1987, Petitioner made a well-informed, clinical judgment not to proceed, in an inchoate attempt, with what was clearly and obviously, a futile and potentially perilous **"rescue mission"** of resuscitating an inmate who suffered a cardiac dysrhythmia and disorder, for which the prison medical health care staff was neither **trained, equipped nor protected,** as is required by **Center for Disease (CDC)** guidelines for **Human Immunodeficiency Virus (HIV)** infection control - not to mention the dictates of plain old common sense. Prison authorities seized upon that opportunity to place Petitioner on administrative leave, with pay, on March 16, 1987 - **"pending an investigation of the inmate's death,"** - the very day that management planned to implement its February 11, 1987 re-Ordered, routine clinical schedule switch, which was to have taken place, in blatant contradiction to the arbitrator's directive, that - **"The award requires the State to cease and desist from imposing [such] discipline on the grievant . ."**

It was a renewed & repeated-attempt to arrogate the old, law-school-preclusive,never-before-never-since,highlyPetitioner-specific, 10:00 AM - 4:00 PM, on-site time, instead of the usual and regular 1:00 PM - 6:00 PM, session which was Petitioner's on-site routine clinic time. Prison authorities had waited 30 days to re-Order the arrogated and unlawful schedule, pretending to be in compliance with several provisions of the PEF contract, but were actually again, pulling off an under color of law, bogus, malicious, clinic-arrogation, nonetheless.

The serendipitous March 2, 1987 **"questionable handling"** of the inmate cardiac dysrhythmia, was suddenly the expanded, pretextual nidus and new focus around which the Attica Prison **"local management team"** and their Albany directors, deputies and commissioners built their relentless campaign to, **"Get rid-a-**

Hodge." The Attica Prison **"local management team"** and their Albany directors, deputies, assistant commissioners and commissioners, commenced the widest and grandest scale **"investigation"** since the Attica Prison uprising of September 1971, except this time the nucleus and convergence of probative energies were centered and focused on one Black man - a truly independent professional and intellectual achiever - located and functioning in the **administrative block** of Attica Prison, who had started an insuppressible **Riot-for-Freedom** - not the inmates in the **cell blocks.**

On November 6, 1987, Petitioner, Daniel Hodge, was suspended without pay - for the second time in the ***Hodge vs. Kelly et al.,*** cert. den. 490 U.S. 1081 (1989) controversy - from employment as a clinical physician at Attica Prison, where the local management team and their Albany-based, even more corrupt directors, called in the New York State department of health's, **office of professional medical conduct** (OPMC), health commissioner Axelrod's overzealous machine, to conjure-up twenty (20) so-called **"substantive charges"** and **"sub-charges"** of **"medical misconduct,"** categorized in six (6) so-called **"specifications,"** aimed at unjustifiably effecting the revocation of Petitioner, Daniel Hodge's license to practice medicine in New York State, in a malicious prosecution that has lasted more than three years, and which reached its seventh tier of review in the State of New York, court of appeals, which denied review and the matter will be simultaneously before this Court, in ***Hodge vs. New York State Department of Education et al.,*** seeking review and supervision of this Court.

The New York State department of health's, office of professional medical conduct (OPMC), in the persona of the late **Paul R. White, Esq.,**[3] made rounds at several hospitals where

---

[3] New York State department of health, associate counsel for the office of professional medical conduct (OPMC) was killed in an auto accident on August 2, 1990, and the day of the invasion of Kuwait. The late Mr. White had prepared, allegedly pursuant to **Public Health Law, Section 230, Education Law, Section 6509 and the State Administrative Procedure Act, Article 3,** a so-

(continued...)

Petitioner, Daniel Hodge worked as a locum tenens Emergency Room physician and collected various alleged acts of **"medical misconduct,"** which have absolutely no medical merit but reached the State of New York court of appeals by way of that ubiquitous rubberstamping of pseudo-scientific, medical fraud which is easily apparent to any clinician and independent professional, duly qualified to make an informed and neutral medical judgment, not a clique of fraudulent, ill-educated doctors, and gangs-a-lawyers & judges playing doc. Petitioner has been repeatedly denied motions below to have such an **independent scientific review process** - akin the that performed by the office of scientific integrity (OSI) of the National Institute of Health.

Bad enough that Petitioner was placed in a most traumatic economic predicament which precluded law school classroom attendance, but during the last month of law school in April of 1988, that trauma was colossal, in fact, monstrous. Petitioner was taking five subjects (AP 21), i.e., federal court, New York practice, international commercial transactions, juvenile law and a seminar entitled, law and marxism. On April 5, 1988 Petitioner had to respond to a motion made to dismiss

---

[3](...continued)
called **Statement of Charges** containing the twenty (20) alleged cases of **"medical misconduct, incompetence, negligence"** against the Petitioner, Daniel Hodge, and prosecuted the case from May 26, 1988 until May 12, 1989.

Mr. White also carried out a so-called **Investigative Hearing** because Petitioner allegedly gave the OPMC **"reason to believe that he [Petitioner, Daniel Hodge] may be affected by mental disability,"** because of pictures, parodies, satirical essays and vignettes created by Petitioner, Daniel Hodge, and being used to lawfully, in keeping with the **First Amendment** of the **Constitution of the United States of America**, fight **Institutionalized White Racism.**

But most viciously, the late Mr. Paul R. White, Esq., ***criminally altered or destroyed*** portions of three medical charts in an attempt to support his case against this Petitioner. The documentary evidence against Mr. White is irrefutable and New York State's defense depends on an event - **the removal of only the Emergency Room chart, consisting of a single page, from a collection of 70 other pages, in a Patient's (L) medical record** - with ***probabilistic odds*** that are incredulously unlikely (1.42% chance) to have spontaneously occurred, during the chain of custody, either in the copying process or record certification procedure or mailing.

the appeal of ***Hodge vs. Lake Shore Hospital Inc. et al.,***[4] in the United States court of appeals for the second circuit.

On April 10, 1988, Petitioner's father died. On April 11 and 12, 1988, a second arbitration at Attica Prison began and Petitioner was served on April 12, 1988, with those twenty (20) so-called **"substantive charges"** and **"sub-charges"** of **"medical misconduct."** On April 13, 1988, Petitioner's father's funeral took place in New York City and he was buried in St Martin, in the French West Indies, the place of his and Petitioner's birth, but Petitioner could not go because of the time constraints of law school papers and exams. On April 19, 1988, the ***Dusty Inc., vs. Hardy***, New York Practice, play skool, hypothetical case was due. (AP 23-24)

On April 26, 1988 the ***Hodge vs. Lake Shore Hospital Inc. et al.,*** brief and appendix for the appellant was due in the United States court of appeals for the second circuit and was timely submitted, but just as promptly dismissed on April 20, 1988, under the guise that it was premature and **"interlocutory,"** when merely the ministerial determination of attorneys' fees remained - the judgment having then been kept unentered to prevent re-appeal for almost 3 years. Petitioner, even then - while working in Emergency Rooms - had to take three examinations, complete a seminar paper and prepare for the administrative **"professional conduct,"** hearing on May 26, 1988. Talk about duress and emotional distress, it was a most appallingly gruesome season, where attending classroom sessions at law school was - as a practical matter - simply out of the question.

---

[4] The ***Hodge vs. Lake Shore Hospital Inc., et al.,*** case involving blatant race discrimination in the so-called **"higher professions,"** has, finally been moved on up the tiers-a-justice, after nearly three years of an unexplained withholding of entry of judgment, by federal district court judge John T. Curtin, even after dismissal of the action, to merely determine punitive attorneys' fees against Petitioner, pursuant to Federal Rules of Civil Procedure, Rule 11 - allegedly for Petitioner having crossmoved for summary judgment - under the most obviously worthy premise that **operative facts** are indistinguishable, whether viewed from F.R.C.P. Rule 12 (b)(6) or Rule 36 perspectives. The case is now before this Court simultaneously with this Petition.

REASONS FOR GRANTING CERTIORARI

POINT I: A Constitutionally Protected Intellectual Property Interest Of Any Citizen - But Particularly A Black Citizen, In These Modern Times Of The High Technology Of Black Oppression - Most Definitely Preempts A Mere Ministerial Discretionary Classroom Attendance Rule, When Documentary Academic Grading Fraud And Racially Motivated And Imposed Economic Duress And Emotional Distress Precludes Classroom Attendance, Because Duress Converts A Mere Court Discretion Into A Constitutional Mandate.

There are rules to most games and as a practical matter, Petitioner, pursuant to the rules of the State of New York court of appeals for the admission of attorneys and counselors at law, Section 520.3 (c), Instructional Requirement, has completed **(1)(i) a minimum of 80 semester hours of credit** (AP 5, 20-21), but has no idea whatsoever, how many - very few to be sure - of the **(ii) at least 1200 classroom periods of 50 minutes each, including examinations,** which Petitioner spent in the classroom. Petitioner doesn't feel that he deserves a prize for his most natural tendency to pursue independent study and for his educational achievement efforts, despite white racist, malicious obstructions - but Petitioner shouldn't be punished either.

The most fruitful and cogent inquiry is what those **"at least 1200 classroom periods of 50 minutes each,"** (AP 5) were intended and designed to do, and to see whether those intentions have alternatively been achieved and then envision why that ministerial **"classroom attendance,"** provision is being so **implacably enforced** by New York State's highest court, even when the law school admits - in its usual pretextual, circumferential, euphemistic style - it **takes no attendance** and **has no attendance roll** and moreover, when there is so much documentary evidence that Petitioner was maliciously precluded, in a hostage situation, under economic duress, from classroom attendance.

In a July 18, 1991 letter (AP 27) to Petitioner, Karen J. Waltz, director of student services/registrar, said that, **"Most faculty do not enforce this requirement by taking attendance but**

rather rely on their *sense from the seating chart* of who is and who is not in class on a regular basis." It is that same assortment of unconstitutionally vague reliance on their racist ***"sense from the sitting bench,"*** at the New York State court of appeals which presents a major problem in our scientific democracy.

Preclusive rules in any field are legitimately designed, among other things, to control the market supply of commodities, skill and labor, and to secure various benefits that - by virtue of such group-specific manipulations - accrue to the members, whether they be blue collar workers, the associates and fellows of the so-called **"higher professions"** or the OPEC oil cartel. It's a simple **"supply side"** economic principle. This Petitioner had already been **"included in"** the forensic fellowship, having successfully completed all the rituals of the sorting and sifting phase of the operation - namely, the law school admission tests (LSAT), personal statement, personal interview, perhaps a winning smile and other personal attributes and proclivities - all of those things that are felt by the **"higher professional,"** aristocracy to be important exclusionary and restrictive regulations, conditional codes and canons, which set the group apart from the rest of the population. The only real issue then, in this case, is whether Petitioner's full realization of the **"right to function as an attorney"** - which was already granted with matriculation back in 1985, and thus a protected **intellectual property interest,** ***Board of Regents vs. Roth,*** 408 U.S. 593 (1972); ***Perry vs. Sinderman,*** 408 U.S. 593 (1972), according to the 14th Amendment - outweighs the New York State court of appeals' preclusive **"discretion to vary the application of, or waive any provision of these rules where strict compliance will cause undue hardship to the applicant,"** (AP 5, section 520.12) and thus eligibility to take the New York State bar examination, when there is blatant evidence - not only of **academic grading fraud** by law school professors - but that Petitioner was maliciously and under economic duress precluded from **classroom attendance,** i.e., those **"at least 1200 classroom periods of 50 minutes each."**

In fact, during the first term in law school, although not making many friends - because Petitioner is perceived, in some

significant ways, in most circles, to be an ascetic & taciturn, scientific recluse - nevertheless, Petitioner never missed a day of class! But things had considerably changed on Valentines Day, February 14, 1986, with the arrogation of that law school preclusive, instantly fabricated, never-before-never-since seen, 10:00 AM - 4:00 PM, routine clinic, at Attica Prison, which New York State attorney general Robert Abrams defended as a New York State department of correctional services **"management prerogative"** all the way up to this Court.

There is little doubt that Petitioner has been, **"cause[d] undue hardship,"** and that, **"strict compliance,"** with and in, **"the application of the provision of these [New York State court of appeals] rules,"** which require, **"at least 1200 classroom periods of 50 minutes each,"** would in essence and substance deny Petitioner the full realization of an **intellectual property interest** already granted, or force Petitioner to take the more circuitous (AP 25) clerkship route to qualify to take the bar examination. This Court's determination of which direction the balance shifts depends on the **ultimate analysis** of whether a third party's **"precluding Petitioner's compliance with classroom attendance cartel rules under duress,"** in a classic **hostage** situation, grants Petitioner an **"additional right"** which preempts the State of New York court of appeals' **"discretion to vary the application of, or waive any provision of these rules."** In essence then, **duress** converted a mere court **discretion** into a constitutional **mandate!**

Whether Petitioner were white or Black, this Court faces those same premises and the same reasoning would apply in attempting to solve this legal question. In our present day, American social, economic and political circumstance, Black citizens are **hostages** who are, in many significant ways, situated very little differently from their plight at the time when the 13th, 14th and 15th Amendments were adopted. Blacks are still the victims of jealousy, ignorance and race hate, solely by virtue of having a Rodney King Black skin - and this is the most gruesome part - enkindle in whites - in all job categories, from blue collar workers to the so-called **"higher professions,"** in fact, particularly in the so-called **"higher professions"** - a borderline psychotic fear of economic competition. That fear in this case translates into

that New York State, court of appeals,' insistence on **"strict compliance,"** with, and in, **"the application of the class room attendance [play skool] provision of these cartel rules,"** where any excuse, under color of law, will be used to **"cause - not alleviate - undue hardship to the [Black] applicant."** It is so blatantly obvious, and pedantically petty, conduct on the bench of New York's highest court. It don't look good at all.

"We are concerned with a growing perception . . . that minorities are not treated fairly in our courts," said New York state's chief judge Sol Wachtler, when he established the **New York State Judicial Commission on Minorities,** whose executive summary, April 1991 report, contains a cogent observation made by its chairman, the late Franklin Hall Williams in his May 16, 1990, letter of transmittal, merely four days before his death, to New York state court of appeals chief judge Sol Wachtler, declaring that, **"The crude 'colored/white' signs on the Southern landscape have become the exquisitely subtle 'colored/white' signs in the Northern mindset. We have grown up watching and lamenting the apartheid-like racism of the South and we have all had a nodding acquaintance with what has been called 'Southern brand of justice.' Yet, without the same blatancy or even the same racial animus, minority users of our courts in New York State face many of the same travesties as did their Southern counterparts -- unequal access, disparate treatment and frustrated opportunity."**

There is little doubt that Petitioner has had **"disparate treatment"** in the employment and academic community outside the State of New York court of appeals, and **"frustrated opportunity,"** inside the State of New York court of appeals at the hands of those same, **"exquisitely subtle 'colored/white' signs in the Northern mindset,"** of chief judge Sol Wachtler and his bench colleagues. Does that surprise this Black Petitioner, who dun got a Moh Perfect education than New York State's chief judge Wachtler and 220 million other white Americans? Of course not, because chief judge Wachtler - like most other white Americans - deep down **"in his heart,"** laments the imminent passing, and really doesn't want to see the demise - and loss of the personal benefits and emoluments - of that cow dung doctrine of white supremacy any time soon, particularly, since the most visible

perennial symbolic reaffirmation of the doctrine is no longer in existence, now that apartheid has been abolished in South Africa.

And with Blacks making all kinds of inroads into the - mental megabuck media and even in the so-called **"higher professions,"** - the last bastions, in fact, the mental seat of white supremacy racism - could the advent of Daniel R. Hodge, M.D., J.D., although most certainly not the first, at least symbolically, represent another critical assault on the doctrine: Its death knell? Only time will tell.

POINT II: The Time Has Arrived For America To Purge Itself Of Mediocrity In Its Economic, Political And Social Policies, Particularly, The Eradication Of Overt And Covert Forms Of The Disease Of White Racism Being Fueled By A Slave Age Mentality And A Fear Of Black Economic Competition, Even In A World Of Scientific Democracy.

The use of **academic grading fraud** by various of the law school faculty and the denial by the New York State court of appeals of the ministerial **"classroom attendance"** rule waiver and the refusal to grant credit for **"other courses related to legal training taught by the members of the law school or university faculty,"** have or will all been shown, beyond a reasonable doubt, to be classic **"Northern Liberal,"** under color of law, pretextual, obstructive **"higher professional education,"** stone walling, and hostage taking, white racism. It requires very little intellectual ability or knowledge of human nature to see that this case is a six-year-long sordid story of a gang of malicious white folk - on all social, economic and political levels - motivated by jealousy and race hate, trying so arduously, committing crimes along the way, to prevent a Black doctor from becoming a lawyer also, because that achievement threatens that royal hoax of a doctrine of white supremacy.

Each and every American, of any and every genetic stock, knows - or should by now know - all too well, that white supremacy is a scientific hoax and aryan racist farce. So why does that cow dung doctrine still persist, in fact, is expansively flourishing even in these latter day, modern times - one tenth overtly disrobed in lurid nakedness, at Attica Prison and in

Rodney King's Los Angeles - and like the proverbial iceberg, nine tenths covertly concealed in clandestine corruption and under color of law criminality, behind the bench even?

If that white supremacy mental aberration and ethic, so sedulously promotes **"a hatred of Blackness,"** then why would even one white person seek to emulate any phenotypic, physical expression of the Black genome, let alone Black culture? It is indeed a strange assortment of **"Black hatred"** which prompts a white person to so avidly endeavor to develop a tan - instead of remaining a sallow, anemic white - even at the risk of developing basal cell carcinomas, in this reduced ozone era, or convert straight hair into kinky curls, at an exorbitant range of prices, or stuff adipose (fat) tissue into fuller lips, at an as yet unknown risk, or appreciate and mimic jazz, gospel and rap music, rhythm and dance or what ever other **"symbol of Blackness"** next in vogue?

A behavioral scientist, among others, knows that such very ordinary human imitative conduct has the same primordial underpinnings as, for a cardinal example, the substantial public health disaster, philosophy and infrastructure propping up cigarette smoking: A vicariously induced self-esteem, in the form of mostly psychological affectations - and even physical - gratification. It matters little that such conduct may be extremely harmful or even fatal, acutely or chronically. Such is the fundamental **"nature"** of mankind at the present stage of our genetic evolution.

Must we cultivate such an obviously fatalistic **"natural"** mental mindset and affectation, any more than, we would seek to encourage mating in a couple, both having a **"naturally"** defective gene coding for sickle cell anemia, diabetes, schizophrenia, or cystic fibrosis, since those **"wild mutant"** genetic defects are most **natural,** to say the least? Is **naturalness,** per se, the infrastructure underlying the standard by which mankind and civilization should seek to institute guidelines for restrictive codes of conduct? Is naturality sacred?

And what is natural to this earth anyway? Was molten magma really the source of our ubiquitous water, that allegedly **natural** terrestrial creation - which is miraculously missing from

eight other sibling planetary off-springs, presumably derived from the same sun - or did water emanate eons ago from some - at that time, **"unnatural-unto-the-earth"** foreign source - out there in space some place, arriving on earth perhaps in a rendezvous and permanent marriage with a passing comet laden with ice, methane and magic? Assuming even that the **naturalness** of water - the essence of life - gained its revered title as the result of its terrestrial existence over indefinite expanses of time, analogously, is that reason enough to accept, adopt and salutarily promote an obviously detrimental **"natural"** matter or a **"natural"** function? The answer is - or should be - obvious, at least to scientists. A **standard** having even a synthetic and novel arrangement of available elements as its foundation, which improves - in a scientifically sound manner - the quality and length of life for each individual, is the ideal standard, for matters related to mankind, however **unnatural.**

Our **Constitution,** most cogently, is such an **unnatural synthesis** of several available ideological elements, which were in vogue at the time of its inception. As always, in our constitutional system of government, it is - or should be - a **factual scientific determination,** even to the N^{th} degree, when that is essential to making vital decisions, as to **what** something really, **materially and functionally** is. How can we make a useful rule about a matter of which we know little or of which we possesses fragmentary and possible misleading information? And it is, of course, a legal question, as to **what we do about** those **scientifically determined factual matters** and **how** consequential, restrictive, wholesome and salutary **we choose them to be,** in our legislative enactments. Naturality, per se, is not the standard; the analysis which must be undertaken is - and must be - considerably more complex and comprehensive, en route to the proverbial **informed judgment** and declaratory Law of the Land. If racism or genetic disease is **natural,**[5] then what should we do

---

[5] The ancient to relatively modern-time remedies, for example, of four, most **natural substances** harnessed from plants, like the leaves of foxglove [digitalis purpurea], and the poppy [papaver somniferum], and the leaves of

(continued...)

about it, legally, in a civilized society?

The **natural propensity** and tendency of mankind to hate another skin color or even hate the **same skin color,** but of **another culture** - as is classically exemplified by a Nelson Mandela / Gatsha Buthelezi tribalistic, murderous pandemonium in South Africa - is the same category of **natural proclivity** that Alexander Hamilton (Publius, in Federalist No. 9) argued had plagued, **"the petty Republics of Greece and Italy . . . [which] were kept in a state of perpetual vibration, between the extremes of tyranny and anarchy."** The remedy he contended was a coalition - a more perfect union - of small states, consisting of a **"great number and diversity of factions,"** in which no single group could under the **mask of majoritarian legitimacy,** oppress the **minority** and deprive it of its rights. To be sure, it is a noble conception and an excellent doctoral thesis.

Most people, who supposedly know about those assortments of matters, grasp fragmentarily at straws in trying to breathe empirical life into the theory, which has yet to demonstrate efficacy, or at least enough to warrant saving it without some rather major structural alterations. The **"great number and diversity of factions"** postulate, presumptuously - without mentioning it - assumes that a plethora of other co-

---

[5](...continued)

the shrub [erythroxylon coca] and the flowering tops of hemp [cannabis] have all been scientifically well-defined, structurally and functionally around the World and in our country. The legal ramifications of their use in America are well-known. The drug digitalis, operative on the heart - symbol of emotion - is not a problem as it concerns drug abuse, whereas the others, heroin, cocaine and marihuana - which are psychoactive - are a major menace to our Land of Ordered Liberty.

Those most **natural** substances and commodities, i.e., heroine, cocaine and marihuana, are the cache of the billions-a-bucks distributive trade, and the widespread consumption of which, has been made so readily possible, in these modern times - by that **"well-regulated militia"** being allowed to **"keep and bear,"** Second-Amendment-sanctioned-concealed and uninfringed arms, a notion still presently perceived to be **"necessary to the security of a free State."** So, that now those **natural** commodities have come to be the most threatening forces of disarrayed doom, destruction and death, which to be sure, will need a whole lot more than, **"just say NO,"** sloganairing to eradicate in the Land of Ordered Liberty. We now face a **natural** disaster and a major disturbance of our preambolate Domestic Tranquility.

essential virtues are ubiquitous throughout the terrain, such as good will among citizens, honesty, accuracy, integrity, diligence, propriety, prudent calculations, fairness, sound feelings and informed judgments. But experience has shown that even those attributes, it seems, are not sufficient to assure the amalgamated success of the **"great number and diversity of factions"** domestic tranquility postulate. Ostensibly, empirical evidence has demonstrated that, additionally, individuals having some **material and personal possessions,** are the now universally acclaimed **"other requisite ingredients"** - which even the communists have, after more than seventy years into that Bolshevik disaster, now openly admitted, as Soviet president Gorbachev joins the seven-plus-one Moh prefect economic, and eventually political and social union.[6]

---

[6] In a January 1988, law school **"dissertation masterpiece,"** which received a mere so-so Q grade, entitled, **"One World At Peace Forevermore,"** dedicated to the memory of Nobel Peace Prize Laureate, Dr. Martin Luther King Jr., Petitioner assessed the Soviet predicament, conceding that, **"In recent years in the U.S.S.R., there have, of necessity, been frank ideological changes and poignant admissions made regarding the failure of the communist economic, social and political system. The failure is of a system, not a people and most certainly not one that will put the Soviet people on the "ash heap" of history or cause these valiant people to suffer bankruptcy or undergo hunger pains."**

Moreover, the purpose of Petitioner's paper was that, **"It assesses the prospect of averting, and in fact, ultimately precluding the likelihood of nuclear war forever, based on the simple premise that the two super powers, now paused in a potentially holocaustic nuclear standoff, will for a host of practical reasons ignore their dogmatic differences, recognize their multiple similarities and beat their twentieth century swords into twenty-first century plowshares. The differences that separate the two competing economic systems, Capitalism and Communism are minuscule and still shrinking compared to the magnetic forces that irreversibly bind them."**

And in an Ode to Mr. Gorbachev, himself a recent Nobel Peace Prize Laureate, the paper proclaimed, **"The plight Gorbachev has before him reminds this author of a recent gospel tune released by the Williams Brothers of Smithdale Mississippi: I'm just a NOBODY, trying to tell EVERYBODY, about SOMEBODY, who can save ANYBODY. Gorbachev is simultaneously that nobody and that somebody; Soviet and American societies encompass the other two. He's a NOBODY, because few as yet take his perestroika seriously. He will be an important SOMEBODY, if indeed he can overcome domestic inertia and gain momentum both at home and abroad. He sorely needs help to be that effective and successful somebody. WE MUST ASSIST HIM!"** A prophet has historically been ignored in his own country. Petitioner may be the next president. Don't underestimate America!

So, as a practical matter, it seems that social stability requires the infusion of money and creation of ownership in property interests - including, of course, this Petitioner's variety of **intellectual property interests**, in his **Medical** and **Juris Doctor** degrees - and also **property interests** embodied in and along the lines of tenants-in-common principles - rather than that **"commonality-of-property-ownership,"** Bolshevik debacle. Moreover, that stable middle class, wedged in between the super rich and ultra-impoverished, the science of politics asserts, is a great empirical improvement over - and as compared to - a mass of egalitarian inhabitants, with low personal esteem, perceiving no protected rights of **life, liberty or property,** acknowledging few or no recognized responsibilities, but most critically, owning nothing substantial, and therefore having nothing to lose: The fodder and forage of domestic turmoil and anarchy.

The polemic political theory and conventional wisdom is that people with **plenty of nothing** hover on the edge of anarchy, and are even then victims of intra-group crime, while those with **plenty of plenty,** yearn for, and seek to maintain preclusive rights and interests, under multiple guises of superiority of genetic or social status and of form - but not substance - legislating and implementing a stilted, warped, unscientific and conditional **"Ordered Liberty,"** and even tolerate - in fact, promote - tyrannical corruption. The prostitution of the State of New York court of appeals' cartel classroom attendance rules **"of discretion,"** being selectively applied and arbitrarily enforced - since no one takes attendance at the law school, neither for 1200 hours nor even 1200 nanoseconds - is a classical example of tyrannical corruption, from behind the bench.

That **"great number and diversity of factions,"** domestic tranquility postulate, will always be here with us, however, in a scientific democracy, in all varieties and categories - and most **naturally** - having individuals with marked variations in possessions, distributions of, and access to property and liberty and life and **ways of life,** as a self-fulfilling consequence of our freedom, including of course, freedom to do nothing or to be

mired in ennui, resignation and **stagnation.**[7]

Indeed, all assortments of combinations and permutations of Hamiltonian judicially protected **life, liberty and property** scenarios will forever grace the American landscape and be variably likely to occur in a scientific democracy. Most assuringly, French aristocrat and civil servant, Alexis de Tocqueville, who found **federal judicial prominence** in the resolution of political disputes to be such a remarkable aspect of American political life, would however - suffer an irreversible bout of involutional melancholy - upon seeing the predicament of this Black American Petitioner, particularly since the cause of Petitioner's severe injuries and the perpetuation of irreversible trauma, have been at the collusive, predatory hands of the well-entrenched, **majoritarian, corrupt judiciary**, on all levels. The judiciary in our modern, scientific democracy, translates into a tyranny of demagogues, drunk with power, vying for personal glory at the expense of the very **"noble causes"** they pretend to be furthering, but really are merely bent on molding society according to their scientifically baseless abstractions, and pet convictions.

In our modern American scientific democracy, in the

---

[7] In one scenario, for example, the son of a rich **"family"** may - upon rejecting **"their hypocrisy,"** but really pretextually hiding behind his own psychological insecurities or envy or guilt or hedonism or indolence or drug abuse or for whatever other and multiple precipitating factors that may arise - ultimately wind up being situated, like the prodigal son, among the categories of the hapless and **"homeless,"** not strong enough to dig, and not too ashamed to beg, or - as fate sometimes prescribes - be placed in jail or even an insane asylum. It is all part of freedom's naturality, to be sure, but what rationale could be advanced for an equal or even unequal distribution of property to such a leech anyway?

On the other hand, the descendent of slaves may become - as in the instant case - a physician/attorney, and as the victim of jealousy and race hate, be maliciously prosecuted for fabricated medical charges and pretended professional offenses, by a corrupt State of New York government run by a **"Northern Liberal"** regime, then ordered to have psychiatric counselling, even if he passes a psychiatric examination - a scheme now outlawed even in Solzhenitsyn's Soviet Union - and be precluded from - or at least frustrated in his attempt - to take the New York State bar examination, because he under racially motivated economic duress, couldn't comply with a ministerial State of New York, court of appeals rule which requires, **"at least 1200 classroom periods of 50 minutes each,"** and moreover, the victim of **academic grading fraud.**

1990's, what we still have is a largely, white, male group of citizens - situated far above the poverty line - who in that most **natural manner,** under the **mask of majoritarian legitimacy,** oppress women and the minorities, depriving them of their most fundamental rights, in every area of interest, on every level of state and federal government: our white male dominated legislative, executive and judiciary compartments. All the elements of fear, jealousy, race hate, proscription and fanaticism - those most **natural** attributes present in various degrees of intensity in any society - have taken on a most graphically, ghastly design in modern **"high tech"** America - and not even by virtue of cleverness or ingenuity - it isn't at all perceived as necessary.

Alexis de Tocqueville, in 1835 in his ***De la démocratie en Amérique***, foresaw that under democracy, **education** would be respected more as a ladder to success than for its intrinsic content and might thus become mediocre.

"We cannot," said he, "prevent the conditions of men from becoming equal, but it depends upon ourselves whether the principle of equality will lead them to servitude or freedom, to knowledge or barbarism, to prosperity or wretchedness."

There are few scientists in any of the three branches of our government. Scientists or physicians or engineers - when it is deemed ultimately essential by the government - merely submit reports to members of various compartments of government - who are entrenched in office either for life, or by the blessings of incumbency and shackled by that most remarkable encumbrance of party loyalty - and too often, haven't the foggiest notion of the substance and essence of the matters contained in those voluminous scientific documentaries, data and doctoral dissertations, usually misinterpreting or ignoring them anyway. How can such a government make a truly informed judgment or scientifically cogent enactments, where arguments pro or con are too often wholly askewed to the real issue and where proponents ignore or are ignorant of scientific realities?

No presumption is being made that scientists or physicians or engineers are not prone to the very same evils that befall the rest of mankind, but it is just that **standards** of

reasoning and **proof** required in scientific processes are sometimes so exacting, that a scientific hoax is readily uncovered and moreover, doctrinairing and promotional hype is easily perceived and labelled as such. There are several premises underlying multiple presently **hotly contested**, so-called **"national issues,"** most of which are scientifically baseless pseudo-issues, like the Human Immuno Virus (HIV) privacy-confidentiality **"dilemma,"** abortion, micro & macro economics and white supremacy racism. Those so-called **"issues"** present very minimal theoretical or actual pragmatic and implemental problems to scientists. Our American society is moving from the era of benign neglect, to the age of active circumvention, masquerading under any number of disguises ranging from the pseudo **"high tech,"** medical mediocrity to plain & ordinary, low life, legal legerdemain.

The most cardinal, in fact, mundane epidemiological procedures for infectious disease control, using cost-effective, appropriate testing of health care workers, professionals and patients, for the virus and contact tracing methods, which have worked so well - even in the pre-antibiotic era - for tuberculosis, syphilis and multiple other infectious agents, cannot be done in the **"high tech,"** 1990's, because in pushing liberal theory to the limits of absurdity, the **penumbral "right of privacy"** of an already **infected person** - some how, as perceived in a scientific democracy - far outweighs the **fundamental right** of an **uninfected person** to be protected against being accidentally or inadvertently infected with a uniformly fatal disease. Talk about criminal mediocrity!

A similar corollary, the abortion hyper-hysterical, pseudo-science, tries to make useful arguments for **distinguishing** between a set of 23 unexpressed chromosomes, the most any human can donate in a gamete, (sperm or egg) to form a set of 46 unexpressed chromosomes in a zygote (union of sperm and egg) - even the microsecond post union - when no such distinction in substance or expressivity exists and moreover, the euphemistically labeled oral **"contraceptive,"** has no effect whatsoever on the process of fertilization (union of sperm and egg), i.e., **"conception."** That enchanted moment, in our

scientifically modern, magic kingdom, i.e., - **"conception"** - is when a **"life"** is felt to have begun by the **"pro-life,"** provincialists, but the scientific reality is that oral **"contraceptives,"** prevent only the **implantation,** some 7 days after **"conception,"** and so it follows, that there is no material difference in culpability, by present rules, for the destruction of either a 7 day or 7 week old embryo, or 20 week fetus. No amount of demagoguery and doctrinairing will afford getting around that scientific reality. The **standard** governing our legal pronouncements, is not that patchwork of prejudice doctrine of ***stare decisis***, but another concept also having the initials S D: ***Scientific Definitude,*** that most constrictive **business judgment rule** of ecological economics and population control.

Psst . . don't impart that concept of **scientific definitude** to Petitioner's favorite Preşident, George Bush, as he attempts to interfere with a federal judge's enforcement of the present law, nor to enlighten our most astute and calculating Chief Justice, William Hubbs Rehnquist, who allegedly - in a fit for federal common law judicial activism & bench legislationairing - is itching to effect the reversal of ***Roe vs. Wade,*** 410 U.S. 113 (1973), if but only **"arising under"** him, there were some plausible forensic procedural scheme that could be cautiously employed to manipulate, maneuver and circumvent that **equal protection,** due unto both the conventional **7-week-old-mechanically-aborted** embryo, as opposed to the more sophisticated **7-day-old-chemically-aborted** embryo, unable to find a fertile endometrium on account of the **intentional stratagem** (a euphemism for perfidy) on the part of females - not their male lovers - involving those almost universally acceptable, but no less abortive misnomers, called oral **"contraceptives,"** - for lack of a less offensive opprobrium, perhaps.

Now again, the **high technology** of that abortive & macabre RU-486 - already a French and British reality - encroaches and intrudes to the discomfort of that American political faction, promoting the anachronistic, ill-educated, contraption - but the oh so noble **"life begins at conception"** perception - and of the constitutional **"right-to-life,"** who must,

nevertheless, come to grips with the fact that the RU-486 pill, is only making a more **"mechanically"** definitive statement of what has been a foregone conclusion for three decades: That **"chemically"** amorphous but, just the same, oral **"contraceptive,"** orally abortive reality. Furthermore, even doctrinairing male abstainers or those wearing condoms, possess the **requisite intent and mens rea** - and even the **actus reus** - to be convicted, if we should so choose, of mass genocide - of 200 to 400 million sperm cells per ejaculate - let alone mere murder, if the mediocrity is further advanced. Talk about villainous lunacy! So, the essence of the wholly askewed, pseudo-dispute, in this scientific democracy, boils down to the fact that since all us humans are predacious killers, then any population control schemes - whether of the **"high tech or low life"** assortment, are as consequential as we choose them to be. Forget about ***Roe vs. Wade***, with its, **"[T]he unborn have never been recognized in the law as persons in the whole sense,"** (because in a scientific democracy, the unborn most certainly are persons at any stage of development). And down with ***Roe vs. Wade's***, convoluted **right of privacy**, ultra-abstractive, circumlocutional foundation, since those ultra-prejudicial polemics both lack that **close and substantial** constitutionality test, based on the blatant, unadulterated facts of the case: **We the People are all predacious Killers!**

The micro & macro economic pseudo-science - the so-called balanced budgets, leading economic indicators and federal reserve interests rates - all purport to make mathematically secure links between a multiple series of uncontrolled and convoluted unknowns - and then, endeavor to infold into that inequality the fanciful predictabilities of even more nebulous outcomes: flipping a coin is about as useful a prognostication, of **"economic growth,"** whatever that index purports to measure.

The worth of our country in the long run, by simple arithmetic, is only equal to the worth of the individuals composing it, and without ingenuity - that novel arrangement of available elements - history teaches, a society stagnates. It is wholly ludicrous - in fact, moving from the naive to the philistine

- for America to pretend that it must first, while playing an ultra-stupid so-called balanced budget game, somehow miraculously, from its bootstraps, increase the **"gross national product,"** by selling various gadgets to ourselves and the **Whole Wide World,** and from that wonderfully profitable circumstance, then and only then, be able to pay for health, education and housing, even then, only if we have enough left over. It is the epitome of mindless mayhem. It is not only political but scientific fraud as well.

The **real net worth of our nation, (or any nation)** - is a properly fed, well educated, comfortably housed and healthy America - the only **"gross national product,"** worth talking about by any standard. The **"chicken or egg,"** problem is, in what order of priority should the individual acquire these facets of the **"individual national product,"** component and exactly how shall they have been meaningfully realized. Here's an important hint: If a previously well **"earned"** magnanimous national surplus is squandered in the manufacture of poor quality machinery, with mediocre skills and services, used in making defective products, the result would be the same as that obtained using **"created"** Keynesian moneys. If on the other hand, **"created"** Keynesian moneys result in favorable outcomes, what is specifically wrong with that method of implementing our national contractual expectation interest, **"economically"** speaking? Health, education and housing in reality - if there wasn't so much mediocrity, in fact, criminality surrounding them - would be among the least expensive of our **"net national products."**

That other monstrous abstraction, whose eradication is the preeminent theme of this, and the other two petitions before this Court is this: white supremacy racism - which like any other racism - is a most **natural** predatory phenomenon, and which is the same scientific hoax that caused our civil war and a few milder, sporadic national upheavals, from time to time, and which is still the basis of a whole lot of domestic tranquility disturbances. It is a malignant social dysinformational, genetic disease - phenotypically expressed in, and endemic to, white skin, the prime **natural** prerequisite - which spawns that characteristic surrealistic dogmatism of supremacy in doctrinaires, of

conservative as well as **liberal** persuasions, in all branches of our government, which, of course most regrettably includes this Court as well. And until the **cause of the disease** is removed - **not the white skin** - which to this Black Petitioner is as beautiful as any of God's other creations, even untanned - but instead, that **white-is-superior** mental miscalculation and abstraction - there can be no reasonable expectation that its pernicious direct affects and myriad side-affects will disappear.

There is a concerted, **intentional** effort by our white American brothers and sisters - whether politically categorized as being light-years apart, **conservatives** or **liberals** - to, under the **mask of majoritarian legitimacy,** jointly and in one accord, by omission or commission, oppress Black Americans and prevent Black educational, economic, social and political advancement. Our white brothers and sisters perceive the suppression of Blacks as an economic necessity and social imperative, which is protective of their white interests. Such reasoning and sentiments are founded on fear of economic competition, jealousy, race hate and monstrous lunacy, the negative corollary of **"keep up with the Jones."** That **"keep down the Blacks,"** conspiracy has not changed in more than 300 years, being a mass action phenomenon - with an innate self-propagating operation of its own - which moves with the momentum of a freight train, and no person individually - no matter how noble - white or Black, seems to be able to impede, let alone halt it.

That is what astounds our white brothers and sisters so much, but it is a reality as certain as that of uncontrolled nuclear fusion. Our white citizens don't quite seem to be able to grasp the implications of that most powerful **natural** phenomenon of mass action in the scientific context, as having an analogous mass action in the context of social, economic and political tyranny and anarchy. It is no mere abstraction, but is very real. And the way to control the damage and stop the motivations of white racism is - not to cover it up or make excuses for it - but to severely penalize it, with fines and/or incarceration, whether it exists in overt or covert and occult forms. It should the treated no differently from any other crime, which it is. Whether it is the theft of a gold watch, or the fraudulent destruction of an

intellectual property, by university aristocrats, the penalty under present law - though unenforced - is a fine and/or a jail term. Talk about Domestic Tranquility!

POINT III: The Supreme Court Of The United States Must Denounce The Reprehensible Forms Of Overt White Racism Of The Assortment Now Flourishing At Attica Prison And Sharply Rebuke The Even More Abominable, "Northern Liberal," Under Color Of Law, Covert, Conspiratorial, White Racism Currently In Vogue And Thriving In The Academic Towers Of The State University Of New York At Buffalo Law School, The New York State Departments Of Health, Education, Law And Various Hospitals, And En Banc In The State Of New York Court Of Appeals.

Most auto mechanics and other technicians, but particularly physicians, know that some remediable conditions and afflictions become more refractory to correction as time passes. In fact, new problems predictably crop up - often more pernicious than the initial aberrancy - that could have been averted had appropriate measures been expediently taken. Whether or not certiorari was granted, had this Court exercised its **supervisory function** and taken the proper action to stop the overt white racism at Attica Prison, in ***Hodge vs. Kelly et al.***, prototype of blatant unlawful employment practices, fraud, forgery and outright criminality - the unjustifiable loss of a substantial property interest in continued employment - and the other widespread subsequent damage caused to this Petitioner - such as a marred medical license by use of scientific fraud by New York State officials - would not have occurred. Where and when will this Rodney King, **"higher professions,"** criminal barbarism end?

This Court's inaction weakened Petitioner's ability to fight the just as treacherous - but even more difficult to combat - covert racism in the academic towers of the State University of Buffalo law school and in Lake Shore, Tri-County and Buffalo Columbus hospitals. The **academic grading fraud** is documentary in at least four instances, three illustrations of which follow. (AP 20-24) In tort law and conflict resolution 509 and 579, the +

(plus sign) at 509 **"Indicates a year long course, with a single grade. That grade is counted twice for computing probationary status and graduation honors."** (AP 22) Petitioner received a Q minus for 509, first half, which was posted on the student bulletin board, although there is **no such official** intermediary plus/minus grading code. (AP 22) For 579, the **second half** of tort law and conflict resolution, Petitioner's previous **first half** Q minus was **"like white magic"** replaced with a D for the whole year, to be **counted twice,** with a net loss of three credit hours (at grade Q) creditable to the 72 credit hours of Q or H which are needed for graduation.

That assortment of **Mickey Mouse,** malicious, pedantic, chicanery is being carried on in broad daylight in the **"liberal north,"** by a professor David Engel, an alternate dispute resolution **"advocate,"** using the kind of calculus that would befuddle and astound Newton, Leibnitz and Laplace, let alone Steinmetz, Tesla and Einstein. Such **academic grading fraud** - being a link in the **proximal cause conspiracy chain** to effect the loss of a most valuable property interest in a Juris Doctor degree - deserves a jail term, like any other crime. The law school must be compelled to conduct a proper **due process** accounting of Petitioner's credit hours before it can deny a property interest. ***Goss vs. Lopez,*** 419 U.S. 565 (1973). ***Goldberg vs. Kelly,*** 397 U.S. 254 (1970)

When Petitioner noticed that there was no examination schedule listed for New York practice 626 being taught by professor Sullivan and called the professor to find out if there was a mistaken omission, Petitioner found this out: There is no exam, only play skool papers submitted during the term. Well, might the Petitioner submit these now? Too late: F! There was obviously no method of assessment and yet no incomplete category either. Elephants, and particularly Black republicans, never forget. Petitioner took the very same course over with professor Segalla and made sure that all play skool papers were timely submitted. Petitioner attended class twice, which was held at 6:00 p.m., and Petitioner, then suspended without pay from Attica Prison, had to work erratic hours, at the request of, and in

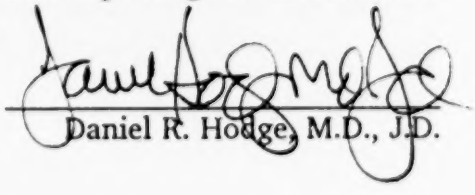
substitution for, other physicians. Petitioner's grade of D from professor Segalla for ***Dusty Inc.***, a play skool asbestos/mesothelioma hypothetical, was evaluated (AP 23-24) anonymously by 25 students at the Buffalo law school and 25 practicing attorneys in the eight judicial district, in western New York. The result: 42% of the students rated it honors and 58% considered the paper as deserving a Q grade. None of the students felt that the paper merited a D grade. The practicing attorneys rated the paper as 31% honors and 69% as Q, but none thought it earned a D grade. Talk about **classic grading fraud,** a jury could easily find for the Petitioner. But not the, **"Northern Liberal,"** State of New York court of appeals.

Petitioner learned for the first time around July 10, 1991 that Petitioner has been **"academically dismissed."** But why people? I'm a bright guy. **"Student received more than six D's or F's during his law school career."** (AP 26) But I didn't have a law school career, I hardly saw the law school house door, as George Corley Wallace would say; don't I, at least, get a prize for independent study and for taking time out - from **real court battles** - to play highly speculative law school games of chance and deal with all those myriads of unconstitutionally vague and pedantic hypotheticals? No, Nigga, No! You <u>is</u> a most atrocious academic failure!! Oh, there's so much trouble in the **Land of the Free,** 'cause what we **Say,** ain't what we **See.**

CONCLUSION

For all the foregoing reasons, certiorari should be issued, for this Court to exercise its **power of supervision,** granting Petitioner his constitutionally protected intellectual property interest in his Juris Doctor degree and privilege to take the New York State bar examination.

Dated: Buffalo, N.Y.
August 24, 1991



Daniel R. Hodge, M.D., J.D.

State of New York
Court of Appeals

Donald M. Sheraw
Clerk of the Court

Clerk's Office
Albany, New York 12207

June 17, 1991

Daniel R. Hodge, M.D.
64 Marine Drive
Amherst, New York 14228

Re: Hodge v. New York State Dept. of Education

Dear Dr. Hodge:

This acknowledges receipt, under cover letter dated June 13, 1991, of your correspondence addressed to Chief Judge Wachtler.

As you know, on May 29, 1991, the full Court denied your Petition for a waiver of the Rules for Admission of Attorneys and Counsellors at Law. The jurisdictional inquiry in Hodge v. New York State Dept. of Education remains pending, and your correspondence will be placed before the Court for its consideration in connection with the jurisdictional inquiry. Please serve your adversary.

Receipt of copies of similar correspondence addressed to other members of the Court will not be acknowledged.

Very truly yours,

Stuart M. Cohen
Deputy Clerk

SMC:mec

Daniel R. Hodge, M.D., J.D.
64 Marine Drive
Amherst, New York 14228
(716) 691-3300

June 13, 1991

State of New York, Court of Appeals
Chief Judge, Sol Wachtler
and
Associates Judges

Fritz W. Alexander II	Judith S. Kaye
Joseph W. Bellacosa	Richard D. Simons
Steward F. Hancock Jr.	Vito J. Titone

Re: ***Hodge vs. New York State Dept. of Education et al. Petition for a Waiver of Rules.***

Most Honorable Court of Appeals:

It's late. It's the very last tier of review in our New York Unified Court System. This proceeding has brought me so much suffering, torture, anguish and pain, and now, even to the brink of bankruptcy. But I still stand ten feet tall and feel like a million bucks. Here's why.

No one can erase the inner joy that a command performance affords the true professional. No amount of pressure from any source, impacting from any angle, could force Dr. Daniel Hodge, for example, to give Patient P a drug that he, from his almost two decades of experience, knows is scientifically, medically, morally, ethically unjustifiable under any rationale. An indescribably joyous satisfaction somehow anesthetizes the pain, and even as skulkers, vandals and barbarians swing away, humiliate, degrade, order psych tests and counselling, I only think to myself, that should I close my eyes forever tonight, my living, and the battle, and the principles for which I've fought, throughout my life, as a scientist and as a human being - at least

in my mind - shall not have been in vain.

There is no way to escape the all-encompassing gaze of our First Amendment in a genuine, and now, scientific democracy. No prosecutor can make an innocent citizen guilty nor can any lawyer make a guilty client innocent. No one can validly deny documentary, scientific evidence - of not merely innocence - but of exemplary professionalism. At best, detractors in these cases have attempted to evade, to procrastinate due process, protect corruption, and cover-up criminality. Most importantly, they cannot succeed, for no one can destroy the solid rock of truth, upon which this great nation - in principle, even if not fully in practice - was built.

The Petition for a waiver of ministerial attendance rules - now only inflicting further injustice - must be reviewed by this full Court and granted. This crusader must move on with Freedom's work and needs these two potent weapons of Medicine and Law, the Stealth Bombers of Justice. Nobody said that the road to peace would be easy.

Very Blackly yours,

_____

Daniel R. Hodge, M.D., J.D.

AP 4

State of New York
Court of Appeals

Donald M. Sheraw
Clerk of the Court

Clerk's Office
Albany, New York 12207

May 29, 1991

Daniel R. Hodge, M.D., J.D.
64 Marine Drive
Amherst, New York 14228

Re: In the Matter of the Application of DANIEL R. HODGE for waiver of strict compliance with the educational requirements of 22 NYCRR 520.3 and 22 NYCRR 520.12

Dear Mr. Hodge:

I am directed by the Court of Appeals to advise you that your petition in the above-captioned proceeding, verified on May 13, 1991, has been denied in its entirety.

Very truly yours,

Donald M. Sheraw

DMS/bla

CONSTITUTIONAL PROVISIONS, STATUTES AND RULES INVOLVED

U.S. Constitution, Amendment XIV

Section 1. ... No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Rules of the New York State, court of appeals for the Admission of Attorneys and Counselors at law.

Section 520.3 (c) **Instructional Requirement.**

(1) An approved law school shall require for the first degree in law the successful completion of either a full-time or a part-time program which consist of:

(i) a minimum of 80 semester hours of credit, or the equivalent, in professional law subjects; and

(ii) at least 1200 classroom periods of 50 minutes each, including examinations.

(2) Other courses related to legal training taught by members of the faculty of said law school or university may, in the discretion of the law school, be substituted for professional law school subjects to the extent of no more than 10 of the required semester hours.

Section 520.12. **Application for a Waiver of Rules.**

The court of appeals, upon application, may in its discretion vary the application of, or waive any provision of these rules where strict compliance will cause undue hardship to the applicant. Such application shall be in the form of a verified petition setting forth the applicant's name, age, and residence address, the facts relied upon and a prayer for relief.

AP 6

Court of Appeals
of the
State of New York

In the Matter of a Petition
pursuant to Rule 520.12

Daniel R. Hodge, M.D., J.D., Petitioner

Verified Petition

For A Waiver Of Rules And For Strict Enforcement Of Others Pursuant To Rule 520.12 Regarding The Study Of Law In Law School

Index No.

Petitioner, Daniel R. Hodge, a 47 year-old Black man, residing at 64 Marine Drive, Amherst, New York 14228, now comes before this honorable Court alleging as follows:

1. That Petitioner has completed, pursuant to Rule 520.3 (a)(1)(i), the a full-time program defined in 520.3 (d) of approved Law School study at the State University at Buffalo Law School in August of 1988, for a total of 87 semester hours - when only 84 are required for the Juris Doctor degree - however, due to factors and circumstances over which Petitioner had and still has no control whatsoever, Petitioner was maliciously prevented, under severe economic duress from attending class pursuant Rule 520.3 (a)(1)(ii) but took all required examinations, completed all necessary seminar papers in a timely manner and performed independent study programs any way, regardless of the multiple atrocities committed by various actors in this six-year-long, reign of horror - a portion of which - is now before this Court of Appeals pursuant to CPLR 5601 (b)(1), an appeal **as a matter of right** and **by permission upon direct application** pursuant to CPLR 5602 (a)(1)(i), since those struggles for scientific truth and Justice being described therein, are most intimately, intrinsically and exquisitely linked to this

Law School **matter.**[1]

2. In August of 1985, Petitioner, a physician licensed to practice medicine in New York State since May 1978, embarked on a course of study of law (A 1185) aimed at becoming a medico-legal specialist. Petitioner was employed at Attica Prison as a clinical physician, a tenured New York State civil servant, having a contractual right (A 881-887) to select any of **three fungible routine weekly clinic schedules** held five days a week from 9-11 AM, 1-3 PM and 7-9 PM. Those provisions of the contract were not honored by the local management team at Attica Prison nor their Albany-directed supervisors, commissioners nor even the governor, who claimed he was impotent to stop that variety of **Institutionalized White Racism,** because said he, **"Our Constitution provides for the separation of the executive and judicial functions of government and the Governor is, therefore, precluded from intervention in any**

---

[1] This Law School matter is intricately connected factually and legally to the Article 78 Proceeding, ***Hodge vs. New York State Education Department, et al.,*** Cal. No. 61591, being contemporaneously reviewed by this Court with regard to the constitutionality of New York State's professional medical conduct review mechanism, which has been documentarily revealed to be not conducive - in fact, wholly irrelevant - to the formation of neutral, scientifically sound, professional judgments, because of severe **Due Process** defects which confine the procedure to the rudimentary processes deemed to be adequate in ages past, and further, being overburdened with matters of professional esteem at the expense of scientific truth, and moreover, top-heavy with irrelevant, public-relations-oriented considerations. The Law School's evaluation of this Petitioner's academic performance and work products have similarly been woefully inaccurate and deficient, in fact, in several instances, the assessments have ranged from being severely arbitrary to out-right fraudulent. The Law School indeed has some rather serious academic and administrational problems, which are by no means connected to its already abhorrently racist policies. The **Brief For The Petitioner** and the **Appendix For The Petitioner** in the Article 78 Proceeding, are hereby incorporated into and made part of this **Verified Petition** for a waiver of Rules and for strict enforcement of others pursuant to Rule 520.12. The proof related to factual allegations about the Law School proper is found at A 1123-1243 in the **Appendix For The Petitioner.** Other cogent proof is attached as Exhibits to this **Verified Petition,** and all these matters must be taken into the full perspective and purview of this Court in order for it to make a truly **Informed Judgment** about the relief being sought in this **Verified Petition.**

judicial matter." (A 522) The Governor was a defendant with full power to pick up the phone and tell his Corrections Commissioner, Thomas A. Coughlin III, to eradicate the racist corruption and criminality in the prison administration.

3. Out of sheer malice, for reasons clearly related to jealously, ignorance and race hate, Petitioner, before suing the New York State Department of Correctional Services, had been forced to attend an instantly created, never-before-never-since-seen, 10:00 AM - 4:00 PM, Monday through Friday, routine weekly clinic, having **no rational relationship to any legitimate health care objective at Attica Prison,** to be sure, and which was pretextually devised and most carefully concocted in connivance with Albany directors, so as to **totally preclude Law School attendance altogether,** in the middle of the second semester on February 14, 1986. Petitioner took the case all the way to the **United States Supreme Court,** (A 482-564) with Attorney General, Robert Abrams, arguing all the way up, (A 536-541) that such reprehensible and atrocious conduct (A 526-528) on behalf of a State employer, was a management prerogative. Federal District Court Judge, for the Western District of New York, John T. Curtin, opined that, **"I do not find that Plaintiff will be irreparably harmed by the proposed work assignment. If he chooses, he may seek employment elsewhere and still attend law school."** (A 520) Some justice! Not Mississippi or Alabama, in the **"Liberal North!"**

4. It seems that the Law School, which arguably is the refuge for academic freedom, would do anything reasonably possible within its power, to neutralize such blatant off-campus racism, which through no fault of a student, materially made it impossible to attend classes. Wrong again! The Law School's Associate Dean, at that time, Marjorie Girth, literally went out of her way to make life for the Petitioner even harder than it already was. The Academic Standards and Standing Committee, she said, **"considered information from your professors in the second semester of 1985-86 that your professional medical commitments as the Attica Correctional Facility made it virtually**

impossible for you to meet the faculty's attendance requirements during that semester," and reinstated the Petitioner, on condition, **"that you assure me in writing that your scheduling problems have been resolved and that you will be able to attend classes regularly in accordance with the faculty's requirements for continued registration in your courses."** (A 1136) Some professional commitments! A malicious white racist switching-of-clinic-schedules, incident and badge of slavery, pretentiously being condoned by an insecure, jealous, Law School Associate Dean, joining in the jamboree, because Petitioner could not attend her class and did not take her practice examination - and this is the most triflingly treacherous - **"My examinations use a format that draws significantly on the kind of approaches that I use in class."** (A 1193). Aristocratic Slime! Petitioner learned the hard way, that so-called practice examinations were a convenient way for Professors to penetrate and **"decode"** the already phony **"anonymity exam schemes"** to identify students' final examination papers. Why not simply give students previous exams along with the Professors' H answers appended thereto? They are anxiously aspiring, and perspiring, perspicacious kids; they can figure it out - surreptitious, pedantic schemes and all.

5. Rather than recognizing the real circumstances of why the Petitioner was physically unable to attend - because of a maliciously imposed, totally bogus, routine clinic work schedule, done by specially trained, white racist beasts - the conditions for reinstatement presumptuously assumed that Petitioner had the power to alter the conduct of corrupt criminals in the executive and judicial branches of State and Federal government. Moreover, the grades received in the Law School, which had ab initio caused the Petitioner to become, **"ineligible to continue in the [J.D.] program,"** were bogus as well. In a premonitory attempt to ward off another bogus grade charade, Petitioner, like Don Quixote de la Mancha, met the windmill head-on with a letter to Professor Isabel Marcus (A 1137-1138)

because **"intelligence reports"**[2] had her linked in a clique with the three Professors - (three stooges, really) Konefsky, Engel and Atleson - who had given Petitioner those fraternity **"initiation"** first year bogus **"D"** and **"F"** grades. (A 1131-1132;1180-1184)

6. Petitioner was quite rightfully suspicious, that if Professor Isabel Marcus really knew who submitted a, **"Defendant's Memorandum in Support of a Motion to Dismiss,"** (A 1151-1168) in a Play Skool, **"in vitro-embryonic gestational surrogacy - abortion rights"** case (A 1151), even then copied by Professor Marcus, almost verbatim from page 2 of Petitioner's

---

[2] The **"Word"** was that Professor Isabel Marcus had a reputation for baleful arbitrariness in doling out bogus low grades to many and obsequious honors to many others, that she was the Respondent to a Petition to the Law School administration by a group of students who had been the victims of her tactics, that she was a pro-pro-choice abortion fanatic, who was not very fond of men. In one of the few classes Petitioner was able to attend, Professor Isabel Marcus described her unfortunate circumstance of having in the 1960's to resort to having an abortion on a kitchen table in an apartment somewhere in New York City. (perhaps Greenwich Village, but it could have been Harlem - or on the **"A"** train on route thereto - or the lower East Side or even East 70's. Who really cares?) Topics for discussion were transsexualism, transvestitism, sodomy, right of privacy, and the whole lesbian & gay rights gambit. And her final examination? But, of course, question # 1, was on that most ordinary circumstance of **equitable distribution of property,** where the **value of a green card** - obtained by virtue of marriage of a highly successful, foreign-born physician husband - was compared to the **value of the wife's health care agency.** Petitioner, a physician, prenuptial agreement and all, at the time voluntarily, without a Court Order, paying $ 2000 month in child support, received an **"F"** for question # 1 (and a **"Q"** for question # 2 - which equitably distributed in a lateral pass, accounted for a **"D"** in the course, of the education game), because Petitioner knowing that such green card peddling is patently illegal, declared the **green card** to be wholly **irrelevant to the issue of equitable distribution,** and simply compared the averaged market value of the property interests actually in the possession and control of each of the parties. There are no libertines in academia, come exam time; then, there is only traditional regimentation, in fact, vegetative regurgitation, which, even then, is subject to demerit for lacking **"innovative"** thought. The modern education game - particularly as it relates to those innovative university aristocratic **"pet and petty"** conceptualizations and nebulous standards - is indeed a risky business, like few others, perhaps comparably akin to, and as hazardous as, contact sports and circus entertainment. The similarities, in the most vexatious assortment of anxiety they all enkindle and evoke, are truly astounding. The modern teacher is, in this scientific democracy, wholly irrelevant to the process of education.

"Law School Application for Admission, Personal Statement," (A 1124) which had been attached to a hand written, October 1, 1986 **"introductory-feelin'-her-out,"** letter, (A 1137) then it would be devalued from the honors status that Petitioner knew it merited beyond a shadow of a doubt. Petitioner's Co-Counsel was a white young man manned Charles Desmond - the grandson of the late, great Judge Desmond - although Petitioner did not know of his heritage until several months thereafter. When Co-Counsel Desmond saw Petitioner's draft, he immediately accepted it. A mutual decision to submit Petitioner's complete, unaltered, work product was made - a perfectly ethical and legitimate act under the circumstances as Co-Counsels - and a routine behind the bench. One other consideration, however, is this: Petitioner placed Charles Desmond's name above that of Petitioner (A 1168) and had Co-Counsel Desmond to personally hand the paper in to Professor Isabel Marcus.

7. That arrangement designed in artifice, completely befuddled Professor Isabel Marcus, particularly since by that time Petitioner was **"outta-sight-outta-mind"** unable to attend the last several weeks of class, having to, in economic desperation - randomly as needed and during any hours - substitute for other physicians, after Petitioner was suspended without pay from Attica Prison.

8. As predicted, that **credited-to-Co-Counsel-Desmond** as an honors paper escaped the Professor Isabel Marcus **"highly-clerical-error-prone"** grading system and which landed Petitioner a **"D"** in Family Law, (A 1169-1170) making Petitioner again, **"ineligible to [his] studies as a matriculating student,"** as Assistant Dean of Admissions and Student Affairs, Aundra Newell had announced in a February 11, 1987 letter to the Petitioner. (A 1140) On the following day, February 12, 1987, Petitioner met with Professor Isabel Marcus to discuss the dilemma (A 1141-1145) and she took the **"clerical error"** exit out of what was clearly a malicious scheme to devalue and degrade an honors performance. It is the epitome of cruelty (A 1169-1170), in the academic high towers of the State University at Buffalo Law

School of cult-cha and sophisticated city manners, no different from the Hell-Hole of Attica Prison administrative block miscreants or the Lake Shore Hospital Red-Necks in the valleys and vast bucolic rolling foothills, devoted to vineyards and fruit groves, flowing languidly parallel to Lake Erie, in that undulating scenic section of the terrain once used during the days of slavery as the underground railway to the realization of, at least, **corporal Freedom,** in the liberal north.

9. The battle about bogus grades continued during the summer of 1987 (A 1171-1197) and spring of 1988. Fortunately however, most of the Professors were not concerned about attendance or understood that Petitioner was indeed helpless to alter things. Then along came Professor Thomas F. Segalla, representing the essence and repeat performance of that nasty faculty habit of bogus grading, in a New York Practice Play Skool, Dusty Inc., hypothetical (A 1198-1237). When Professor Thomas F. Segalla, unlike in the Professor Marcus scenario, absolutely refused to change his insupportable "D" grade (A 1241) - even then announced on **Saperston & Day, P.C.,** stationary, with a **"hundred and ten"** or so it seems, partners looking down, with power - a wholly presumptuous and inappropriate connecting-bridge to the State University of New York, then Petitioner was again thrown into the, **"ineligible to continue in the J.D. program,"** snake pit, (A 1242) with cancellation of summer courses. Associate Dean Lee Albert, who had been very much aware of Petitioner's attendance predicament - Petitioner could not attend his seminar either, but was allowed to submit a paper - then also permitted Petitioner to complete a Property II cours , in which Petitioner received an honors grade, but was able to attend class only once, since Petitioner was at that time in the throws of the Arbitration (A 907-1120) and the Office of Professional Medical Conduct Proceeding. The white armies were closing in on all fronts, and during all seasons, on a Civil Rights Paladin for all seasons.

10. The Law School refused to rule upon whether the Professor Thomas F. Segalla grade was bogus, **"as a matter of**

policy," if it was not a clerical error. In November 1990, a group of students - mostly sympathizers and admirers - conducted an anonymous study of student, selection, teaching and grading (A 1698-1700) also attached as (Exhibit # 1 [reproduced at AP 22-23]) which, among other things, revealed that the Professor Thomas F. Segalla **"D"** grade was a hoax. The study was distributed to over 800 students at the Law School, in their mailboxes and 35 faculty member mailboxes and to 300 practicing lawyers randomly selected from the 1990-91 Directory of Attorneys from the Eight Judicial District, published by the Bar Association of Erie County. Of the 25 students who completed the standardized questions, 42% graded the Segalla **"D"** as honors, and 58% as Q's. Of the 25 practicing Attorneys responding 31% graded the Segalla **"D"** as honors and 69% as Q's. **Not a single soul** considered the paper to be a **"D"** grade. **No faculty responded** for obvious reasons. Professor Segalla no longer teaches at the Law School, and a 50 to 0 showing that his **"D"** grade was a fraud, is substantial evidence in any descent court, before even an all blond-&-blue-eyed jury, if that be the epitome of aryanism, in the abstract and symbolic sense.

11. Other useful information gathered which was not unexpected, include selecting a highly diverse student body spectrum of Art, Science, Business and Humanities majors and a Law School course for general practice using the New York Lawyer's Deskbook and Formbook as texts and actual court papers as practice models, and that **class participation and attendance** should not play any part in grading. It is from this perspective that Petitioner seeks to have this Court to waive his attendance requirement pursuant to Rule 520.3 (c)(1)(ii) as it was physically impossible for Petitioner to attend classes because of the economic duress, induced by malicious aryan racism of the most reprehensible assortment. Petitioner should not be further degraded either, in yet another form of duress, by the suggestion of the Law School that Petitioner, **"ask for a waiver of faculty rules,"** so as to be given his J.D., degree despite having **"lower grades"** than other students, because that would be an absolute living lie. That struggle with the Law School continues to be, for

this proud, scientific, Black physician/attorney, and absolutely implacable, all or none at all situation! The Law School very well knows that it is **unlawfully holding onto** a degree for which Petitioner has long ago completed requisite courses successfully.

12. There is reliable evidence above that Petitioner also successfully completed the New York Practice course as defined in Rule 520.3 (f). The Court of Appeals should even at this late stage in the struggle - remove that 50 to 0 **"D"** grade issue from the discretion of the Law School, already steeped in a boiling vitriolic oil and insidious propensity to perform fraudulent grading games - and **strictly apply** Rule 520.3 (c)(2) so as to give Petitioner 10 credits of the required 84 in **substitution for professional law subjects** taken at State University of New York at Down State Medical College, where Petitioner graduated, as, **"Other courses related to legal training taught by members of the faculty of the University, which may, in the discretion of the Law School, be substituted for professional law subjects,"** within the meaning of Rule 520.3 (c)(2), in as much as Petitioner wishes to specialize in the medico-legal field, and no course offered by the Law School could more appropriately train Petitioner in the medical aspects of the medico-legal specialty than a formal study of medicine itself. The request is wholly reasonable and rational. Could any Professor at the State University of New York at Buffalo Law School have assisted the Petitioner in the preparation of the attached (Exhibit # 2) Vaccine Injury case? And would they openly and notoriously fight the political battle against corruption in our **System of Justice** which **Peter Megargee Brown**[3] described in his May 1990 contribution to our **New York**

---

[3] Mr. Peter Megargee Brown, Esq., deserves much credit for raising the most cogent and poignant question of the Century: The integrity of our **System of Justice** in the 21st Century:

> **Will leaders of the Bar - lawyers and judges - be courageous enough, prescient enough to take steps to reform the once noble profession now sinking into a miasma of crime, greed,**

(continued...)

State Bar Journal?

13. For admission to the New York State Bar Examination, Petitioner must pursuant to Rule 520.2, **furnish satisfactory proof** to the New York State Board of Law Examiners, that Petitioner complied with Rule 520.3. Petitioner in essence is seeking the waiver of Rule 520.3 (c)(1)(ii) with **regard to attendance**, because strict compliance would cause undue hardship to Petitioner - in fact, make it impossible to qualify for taking the bar examination, in a matter over which Petitioner had absolutely no control whatsoever and could obtain no form of relief, even in our nation's highest Court. Petitioner also seeks to be **accorded 10 credit hours for subjects taken in Medical School**, pursuant to Rule 520.3 (c)(2). This would nullify the need for Petitioner to further hassle with the Law School about bogus grades and from having to make another senseless petition for reinstatement, even then, for what and to do what? To merely ceremoniously placate bureaucratic mediocrity for its namesake?

14. That rare gemstone, a priceless Black pearl in John Steinbeck's novel **"The Pearl,"** brought the protagonist in that saga, all varieties of misery, the result of envy, jealousy and hatred from a most barbarous community. The loudest squeaking wheel gets oiled as an emolument, as surely as the tallest blade of grass is the first to be cut down by the scythe of jealousy as a mere consequence of stature. This Black Petitioner, one day in the spring of Orwellian 1984, **looking through bars**, across the office window, at lilacs in the Attica Prison court yard blooming, perceived a most visionary freedom, **reaching for stars** . . .

---

[3](...continued)
perfidy and sloth?

Mr. Brown then premised the **quality of life** within the boundaries of our country, on the foundational bedrock of a valid **System of Justice**, envisioning the breakdown of our **System of Justice** as the single most haunting specter: **"If justice goes, all goes."**

adding a legion rules of Law to a magellanic scope of Medicine, a blended educational galaxy of delicacies well worth savoring, from those towering perspectives, and being - to be sure - an easy target, fodder of envy - a most traditional hazard of the ages - and in these moderns times, in a scientific democracy - a mortal wound to that Cow Dung Doctrine of white supremacy, the filth which the vast majority of our white citizens - who very well know better - are still breeding in and feeding on, so voraciously, even as we approach the 21st Century.

15. In 1991, after several years of tyrannical torture and barbarism - of the Rodney King/Los Angeles police assortment of national disgrace - meted out at the hands of aristocrats, in the so-called **"Higher Professions,"** and characterized by deprivation of even the most **fundamental of rights,** accorded to all in a constitutional, scientific democracy and **Land of Ordered Liberty,** this Black Petitioner - the victim of fraudulent grades, malicious prosecutions for fabricated charges and pretended offenses - faces the dark view and grim prospect of sustaining, by virtue of corruption and wide scale criminality, committed by people in high places, even further actual and constructively inflicted, severe damage, to the two gemstones of his life: The **Intellectual Property Interests** in a Medical and Law degree.

16. But unlike the protagonist in John Steinbeck's novel **"The Pearl,"** who dashed to the edge of a shell shocked shore, tossing that priceless Black personalty, right back into the stormy ocean from whence it came, succumbing in saturnine surrender . . . oh no, this Black Petitioner, much like his namesake and visionary biblical Daniel, sees - in that nearly 400-word, 203-year old, enduring **writing on the wall,** creating a separate trilogy of institutional powers - a scientific democratic America, basking in a broad beacon of **Liberty,** and bathing in the deepest oceans of **Life,** rushing onto divers, sundry shores of protected **Property,** even **Intellectual Property,** Hallelujah, which can never be taken away from a citizen, without **Scientific Substantive Due Process.**

17. Oh yes America, Land of myriad mental majesties and innovations. . . this Black Petitioner, dun come too far by faith . . to turn around now.

Wherefore, this beleaguered and long-suffering Black citizen, invokes the jurisdiction of, and power conferred by the people in, this most honorable New York Court of Appeals, nationally regarded as one of the finest State Courts in the United States of America, and leader in the protection of the **Civil Rights and Interests** of New York citizens, including hard earned and well-deserved **Intellectual Property Interests,** in medical and legal degrees, licenses and practice privileges, and prays for an Order which:

A. Grants Petitioner a waiver of Rule 520.3 (c)(1)(ii) with **regard to attendance**, because Petitioner was maliciously and cruelly, under economic duress, prevented from physically attending classes at the State University of New York at Buffalo Law School;

B. Accords Petitioner 10 credit hours in **substitution for professional law subjects** taken in Medical School, pursuant to Rule 520.3 (c)(2) since no course offered by the State University of New York at Buffalo Law School could more appropriately train Petitioner in the medical aspects of the medico-legal specialty - the area in which Petitioner wishes to practice - than a formal study of medicine itself;

C. Declares Petitioner to be in compliance with Rule 520.3 and therefore to have satisfactorily proven eligibility for the purpose of admission to the New York State bar examination, required to be furnished to the New York State Board of Law Examiners;

D. Compels the State University of New York at Buffalo Law School to forthwith surrender and release Petitioner's Juris Doctor degree from being held hostage somewhere in an unknown vault, perhaps not even on campus, and to send it unceremoniously to Petitioner's home address by registered mail, with return receipt;

E. Grants such other, further, different and alternative relief as this Court deems to be just and proper under these unique sets of facts and circumstances in our Hi-Tech, scientific democracy, in these modern times.

Dated: Buffalo, N.Y.
May 13, 1991

To: State University of New York at
Buffalo Law School Faculty
Amherst Campus, Buffalo, N.Y. 14260

Attorney General Robert Abrams
A.A.G., John J. O'Grady, Esq.
120 Broadway 24th Fl.
New York, N.Y. 10271
(212) 341-2564

Daniel R. Hodge, M.D., J.D.
64 Marine Drive
Amherst, New York 14228
(716) 691-3300

STATE OF NEW YORK)
COUNTY OF ERIE) SS.:
CITY OF BUFFALO)

Individual Verification

Daniel R. Hodge, being duly sworn, deposes and says:

1. That he is the Petitioner, Pro Se, in this Petition For

A Waiver Of Rules And For Strict Enforcement Of Others Pursuant To Rule 520.12 Regarding The Study Of Law In Law School, and

2. That he drafted and prepared this **Petition** and knows that the contents thereof is true to his own knowledge, information and belief.

Sworn to before me May 13, 1991

_____
Notary Public

Daniel R. Hodge, M.D., J.D.
64 Marine Drive
Amherst, New York 14228
(716) 691-3300

AP 20

STATE UNIVERSITY OF NEW YORK AT BUFFALO, BUFFALO, N.Y. 14260
School of Law
JOHN LORD O'BRIAN HALL

Student Name and Home Address:
Hodge, Daniel Robert
27 A Longmeadow, Amherst, N.Y. 14226
Soc. Sec. No.: 112-34-1127
Student No. 670639

Degree Awarded

Matriculated August 26, 1985

Dept	Course No.	Descriptive Title	Sem. Hrs. Carried	Sem. Hrs. Earned	Gr.
		First Semester 1985-1986			
LAW	501	Civil Procedure 1 Spiegelman	4.0	4.0	Q
LAW	503	Contracts Konefsky	3.0	0.0	F
LAW	505	Criminal Law Ewing	3.0	3.0	Q
LAW	509	Tort Law/Confl Res I Engel	3.0	3.0	+
LAW	515	Research/Writing Spiegelman	2.0	2.0	Q
		Semester Totals	15.0	12.0	
		Second Semester 1985-1986			
LAW	507	Property Avery	3.0	3.0	Q
LAW	511	Constitutional Law I Albert	3.0	3.0	Q
LAW	515	Research/Writing Olsen	2.0	2.0	Q
LAW	518	Ethics	1.0	1.0	S
LAW	579	Tort Law/Confl Res I Engel	3.0	3.0	D
LAW	619	Labor Law Atleson	3.0	3.0	D
		Semester Totals	15.0	15.0	
		First Semester 1986-1987			
LAW	611	Corporations Headrick	3.0	3.0	Q
LAW	613	Evidence Birzon	3.0	3.0	Q
LAW	616	Family Law Marcus	3.0	3.0	Q
LAW	786	Psychology/CriminalLaw Ewing	3.0	3.0	H
		Semester Totals	12.0	12.0	
		Second Semester 1986-1987			
LAW	650	Employment Discr Scales-Trent	3.0	3.0	D
LAW	613	Social Security Law Marcus	3.0	3.0	Q
LAW	676	Legal Rts of Handicapped	3.0	3.0	Q
LAW	742	Constitutional Litgn. Albert	3.0	3.0	Q
		Semester Totals	12.0	12.0	

Dept	Course No.	Descriptive Title	Sem. Hrs. Carried	Sem. Hrs. Earned	Gr.
		First Semester 1987-1988			
LAW	503	Contracts Girth	3.0	3.0	Q
LAW	513	Federal Tax Delcotto	3.0	3.0	Q
LAW	626	New York Practice Sullivan	3.0	0.0	F
LAW	675	Municipal Law Fundamental	3.0	3.0	Q
LAW	705	Nuclear Weapns/Law Thuronyi	3.0	3.0	Q
		Semester Totals	15.0	12.0	
		Second Semester 1987-1988			
LAW	618	Federal Courts Kannar	3.0	3.0	Q
LAW	626	New York Practice Segalla	3.0	3.0	D
LAW	629	Intl. Commercl. Transact	3.0	3.0	D
LAW	668	Juvenile Law Ewing	3.0	3.0	Q
LAW	767	Law and Marxism Freeman	3.0	3.0	Q
		Semester Totals	15.0	15.0	
		Summer Semester 1988-1989			
LAW	617	Gratuitous Transfers			R
LAW	623	Property 2 Reis	3.0	3.0	H
LAW	799	Independent Study Ewing	3.0	3.0	Q
		Semester Totals	6.0	6.0	

SEE ATTACHED SHEET FOR EXPLANATION OF GRADING SYSTEM, ABBREVIATIONS, AND SPECIAL CODINGS.
NOT VALID AS OFFICIAL TRANSCRIPT WITHOUT SEAL. Registrar Date

GRADE KEY EXPLANATIONS

1974 - Present:

H Honors - Superior work significantly better than the normal range of performance
Q Qualified - Professionally qualified work within the normal range of performance
D Marginal - Acceptable for academic credit but below the normal range of performance
F Unacceptable - Not worthy of academic credit
S Satisfactory - a grade assigned in courses not graded on the H, Q, D, F spectrum
R Official Resignation - No academic penalty
* Instructors may submit favorable evaluations of student performance. Written evaluations are especially encouraged when a letter grade will not adequately reflect relevant aspects of the student's performance. Letters of evaluation are noted by the asterisk next to the letter grade for the course. Copies are available from the student upon request.
\+ Indicates a year long course, with a single grade. That grade is counted twice for computing probationary status and graduation honors.

PLEASE NOTE: In keeping with the general policy of the University together with the unique grading system of the School of Law, students are not ranked. No numerical weights are assigned to the letter grade system, therefore a grade point average cannot be computed. Our grading system was designed with the express intention of alleviating grade competition and has been highly successful. We hope our students' records will be viewed as only one indication of performance or potential and that no prejudice will accrue due to the lack of a class rank or grade point average.

State University of New York
Buffalo Law School
Student Independent Committee Study

1 The Dusty Inc., hypothetical case merits:

stud.	atty.	
42%	31%	a. An Honors grade
58%	69%	b. A "Q" grade
0%	0%	c. A "D" grade
0%	0%	d. An "F" grade

2 The Dusty Inc., grade should relate to:

stud.	atty.	
31%	21%	a. The substantive and procedural matters
21%	32%	b. Basic knowledge, logic and calculation
37%	36%	c. Fantasy, imagination and innovation
11%	11%	d. All the above
0%	0%	e. Attendance and class participation

3 The most useful teaching and grading system should:

stud.	atty.	
26%	28%	a. Include a professor's model "H" completed examination, handed out at the end of the examination, and also given to subsequent students as part of the course materials
10%	5%	b. Include at least 25% of class time and course work devoted to actual Bar Examination material
32%	28%	c. Include a course for general practice applications using New York Lawyer's Form and Desk Book as texts and actual court papers as practice models
32%	39%	d. All the above

4 The fairest and wisest method of selecting future lawyers should include:

stud.	atty.	
31%	36%	a. Placing less emphasis of LSAT's and abolishing special admissions programs while instituting the reforms in question 3
38%	43%	b. Creating a highly diverse student body spectrum, including the Arts, Science, Business and Humanities
23%	7%	c. Stressing professional independence from clients, private interests and government alike
8%	14%	d. All the above
0%	0%	e. Only high LSAT scorers

This anonymous Independent Study was distributed to more than 300 practicing attorneys in the Eight Judicial District, more than 800 students and approximately 35 faculty members at the State University of New York at Buffalo Law School, in November 1990. The results were tabulated from a validly responding sample of 25 students and 25 practicing attorneys. No faculty members responded. By a "validly responding sample" it is meant those who actually answered the standardized questions as opposed to solely offering comments.

AP 25

State Board of Law Examiners
7 EXECUTIVE CENTRE DRIVE
ALBANY, N.Y. 12203-5148
518-452-8700 (NYS) 800-342-3335
FAX 518-452-5729

John E. Holt-Harris Jr. Chairman
Richard J. Bartlett
Laura A. Taylor
Charles T. Beeching, Jr.
Ira P. Sloane

James T. Fuller
Executive Secretary

Nancy Oppe
Dep. Executive Secretary

Ms. Karen J. Woltz
SUNY Buffalo School of Law
John Lord O'Brian Hall
Amherst, N.Y. 14226

July 3, 1991

Dear Ms. Woltz:

I am writing in connection with Daniel Robert Hodge, a former student of yours who seeks to qualify for the New York State bar examination under Section 520.4.

I am in receipt of a transcript showing Mr. Hodge's attendance from academic years 85-86 through academic year 87-88 and including summer session 88-89.

In order to provide Mr. Hodge with a statement of credit to which he is entitled under Section 520.4 I will need further information.

Please provide me with a statement indicating the exact dates of each period of attendance, Mr. Hodge's status as a full or part-time student and your characterization of each period of attendance as successful or unsuccessful.

Upon receipt of that information I will be in a position to provide Mr. Hodge with the information that he needs.

Sincerely,

James T. Fuller
Executive Secretary

JFT/mg
cc: Mr. Daniel R. Hodge

UNIVERSITY AT BUFFALO
STATE UNIVERSITY OF NEW YORK

Faculty of Law and Jurisprudence
John Lord O'Brian Hall
Amherst Campus
Buffalo, New York 14260
(716) 636-

July 10, 1990

Mr. James T. Fuller
State Board of Bar Examiners
7 Executive Centre Drive
Albany, New York 12203-5148

Dear Mr. Fuller:

In regard to Mr. Hodge, he completed the following semesters at the State University of New York at Buffalo School of Law:
Fall 1985 August 26 - December 4, 1958
Spring 1986 January 13 - April 25, 1986
Declared academically ineligible - Earned four D and F grades during the first year.
Readmitted for Fall 1986
Fall 1986 September 2 - December 12, 1986
Spring 1987 December 20 - April 29, 1987
Fall 1987 August 24 - December 7, 1987
Spring 1988 January 19 - April 27, 1988
Declared academically ineligible but allowed to enroll for the summer.
Summer 1988 May 23 - July 15, 1988
Academically dismissed. Student received more than six D's of F's during his Law School career.
Mr. Hodge needed to successfully complete seven additional credit hours to be eligible for graduation.
A copy of his transcript is enclosed. If you have any further questions, please do not hesitate to contact me.

Sincerely,

Karen J. Waltz
Director of Student Services/
Registrar

UNIVERSITY AT BUFFALO
STATE UNIVERSITY OF NEW YORK

Faculty of Law and Jurisprudence
John Lord O'Brian Hall
Amherst Campus
Buffalo, New York 14260
(716) 636-

July 18, 1990

Mr. Daniel Hodge
64 Marine Drive
Amherst, New York 14228

Dear Mr. Hodge:

The law school in accordance with American Bar Association academic standard 305 C requires that all of its students "regularly" attend scheduled classes. It is left to each individual instructor the job of determining whether that requirement has been met by each student. Most faculty do not enforce this requirement by taking attendance but rather rely on their sense from the seating chart of who is and who is not in class on a regular basis.

If you have any further questions regarding this matter, they may be directed to Mr. J Schlegel.

Sincerely,

Karen J. Waltz
Director of Student Services/
Registrar